



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,475	08/19/2003	Robert A. Dunstan	P17354	6003
28062 7590 04/12/2007 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			EXAMINER CAO, CHUN	
			ART UNIT 2115	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/12/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,475	DUNSTAN, ROBERT A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chun Cao	2115	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **FINAL REJECTION**

1. Claims 1-17 and 20-21 are presented for examination. Claims 18 and 19 were canceled.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 8, 14, 16 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1, 8, 14, 16 and 20 each recite that "adjust an original power policy of the processing unit". The specification only seems to be adjusted an original power policy of the system.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the computer system" in line 3. There is insufficient antecedent basis for the limitation in the claim.

Claim 21 is rejected because they incorporate the deficiencies of claim 20.

7. The 102 and 103 rejections are respectfully maintained and incorporated by reference to the extent that is applicable to the newly amended claims as set forth in the last office action.

8. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Peters (Peters), U.S. patent no. 6,516,421.

As per claim 1, Peters teaches a method, comprising:

receiving from a user an affirmative indication [logoff or shutdown] via a peripheral device [emphasis added, a user needs to use a peripheral device (mouse or keyboard, etc.) for selecting logoff or shutdown the computer system] that the user is no longer using a system [col. 3, lines 49-50; col. 7, lines 38-40] wherein the system comprising a processing unit and the peripheral device [fig. 1; col. 4, lines 49-54]; and adjusting an original power policy associated with the system in response to the received indication [col. 3, lines 27-30; lines 61-67; col. 7, line 41-col. 8, line 2; col. 8, lines 48-56].

As per claim 2, Peters teaches that the original power policy places the system in a low-power state after a pre-determined period of time associated with at least one of: (i) a keyboard key press, (ii) mouse activity, and (iii) a device access [col. 1, lines 18-21; col. 4, lines 55-64; fig. 1].

As per claim 3, Peters inherently teaches that the low-power state is associated with an advanced configuration and power interface low-power state [fig. 2; col. 5; lines 8-22].

As per claim 4, Peters teaches that the low-power state is associated with at least one of: (i) a global state, (ii) a device power state, (iii) a sleep state, (iv) a processor power state, and (v) a performance state [fig. 2; col. 5; lines 8-22].

As per claim 5, Peters teaches of adjusting comprises reducing the pre-determined period of time [col. 3, col. 60-65; col. 8, lines 48-56].

As per claim 6, Peters teaches of saving the original power policy [col. 6, lines 45-67].

As per claim 7, Peters teaches of arranging for the system to enter a low-power state in accordance with a second adjusted power policy [reduced policy value; col. 3, line 66-col. 4, line 4]; wherein the adjusting comprises using the second power policy in response to the receiving of the affirmative indication [col. 3, col. 60-65; col. 8, lines 48-56].

As per claim 8, Peters teaches of receiving from a user via the peripheral device a second indication that the user is again using the system [col. 6, lines 55-56]; and restoring the original power policy associated with the system in response to the second indication [col. 5, lines 30-35; col. 6, lines 13-41].

As per claim 9, Peters teaches that the system includes a processor and comprises at least one of: (i) a desktop personal computer; (ii) a mobile system, (iii) a

Art Unit: 2115

workstation, (iv) a server, (v) a set top box, and (vi) a game system [fig. 1; col. 4, lines 45-49].

As per claim 10, Peters teaches that at least one of said receiving and aid adjusting is performed by at least one of: (i) a software application, (ii) a hardware device, (iii) an operating system, (iv) a driver, and (v) a basic input/output system [col. 2, lines 43-51].

As per claim 12, Peters teaches that the original power policy is configurable by the user [col. 1, lines 36-37].

As per claim 13, Peters teaches that the original power policy is associated with operating system power management [col. 5; lines 8-22].

As to claims 14 and 15, claims 14 and 15 basically are the corresponding elements that are carried out the method of operating steps in claims 1 and 5. Accordingly, claims 14 and 15 are rejected for the same reason as set forth in claims 1 and 5.

As to claims 16-17, Peters teaches the claimed method of steps. Therefore, Peters teaches the claimed storage medium stored instructions to carry out the method of steps.

9. Claims 11, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (Peters), U.S. patent no. 6,516,421 in view of Park (Park), U.S. patent no. 6,418,536.

As per claim 11, Peters does not explicitly teach of receiving from a user a request to turn off a display unit.

However, Park teaches of responding to absence of a user so that a LCD display will instantly turn off [col. 2, lines 12-25; col. 3, lines 9-15]. In other word, Park teaches that the received indication [absence of a user] is a request to turn off a display unit associated with the system.

It would have been obvious for one of ordinal skill in the art to combine Peters and Park because the specify teaching of Park would improve the power efficiency of the Peters' system.

As to claim 20, claim 20 basically is the corresponding elements that are carried out the method of operating steps in claims 1 and 11. Accordingly, claim 20 is rejected for the same reason as set forth in claims 1 and 11.

As per claim 21, Peters teaches that the original power policy places the computer system in a low-power state after a pre-determined period of time associated with a user activity and said adjusting comprises reducing the pre-determined period of time [col. 3, col. 60-65; col. 8, lines 48-56].

10. Applicant's arguments filed 1/30/2007 have been fully considered but are not persuasive.

11. In the remarks, applicant argued in substance that Peter do not teach or suggest the feature of receiving from a user an affirmative indication via a peripheral device that the user is not longer using a system.

The examiner respectfully traverses applicant's argument. Peter teaches of

Art Unit: 2115

receiving from a user an affirmative indication [logoff or shutdown] via a peripheral device [emphasis added, a user needs to use a peripheral device (mouse or keyboard, etc.) for selecting logoff or shutdown the computer system] that the user is no longer using a system [col. 3, lines 49-50; col. 7, lines 38-40].

12. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2115

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 5, 2007



**CHUN CAO**  
**PRIMARY EXAMINER**